APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,772	10/15/1999	MICHAEL C. ALBERS	SUN1P223/P37	9304

22434   7590   11/04/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
LAO, LUN S

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/418,772	ALBERS ET AL.
		Examiner	Art Unit
		Lun-See Lao	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 October 1999</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Introduction

1.   Claim 1-24 of U.S. application 09/418,772 filed on 10/15/1999 are presented for examination.

2.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 2, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "wherein the audio computer service is Java" on lines 1-2. This is confusing because Java is a language rather than a service standard. For the purpose of art rejection, it is interpreted as "wherein the audio computer service is Java based", as best understood and as it appears to be.

Claim 14 recites "The method of claim 12 wherein calling the theme" on line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of art rejection, it is interpreted as "The method of claim 12 wherein importing the theme", as best understood and as it appears to be.

1.   Claims 1, 17 are objected to because of the following informalities: Claims 1 recites "the emulation the audio events" on line 9, which appears to be "the emulation of the audio events". Claim 17 misses "." after "platform" on line 3. Appropriate corrections are required.

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 3, 4, 6-8, 10-14, 16, 17, 20, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al (U S Pat. 5,996,022) in view of Rose (U S Pat. 6,085,199).

As to claim 1, Krueger teaches an audio computer service (col. 3, lines 20-44) comprising:

system manager (server 5, col. 4, lines 6-26);

component (client 1) capable of an audio event (audio channel) designed to run on a first platform (client system 1, including hardware and software) serviced by the audio computer service (fig. 1, col. 3, lines 45-65); and

plurality of themes (transcoded audio files by different transcoding modes) associated with respective audio events (user/client requested audio files), first theme including first set of platform dependent audio fields (transcoded audio files conforming to client's hardware and software configuration), first theme permits emulation of the audio events of the first platform (transcoded to a format which client 1 can accommodate) (col. 5, lines 44-58; col. 6, lines 35-55).

Krueger does not teach that the plurality of themes and associated audio events are packaged into a software object.

Rose teaches audio computer service which uses a data structure to manage audio data, wherein a plurality of themes (audio files of various formats) associated with audio events (user selected audio links) are packaged into a software object (dictionary). See col. 4, lines 45-65; col. 5, lines 17-22. Given the teaching of Rose, it would have been obvious to package the plurality of themes associated audio events of Krueger into a software object. In so doing, a more user friendly method of audio file selection is provided.

As to claim 3, Krueger teaches GUI to initiate audio events (graphical user interface, col. 3, lines 52-55).

As to claim 4, Krueger as modified teaches the first platform includes an operating system (Krueger, inherent to the software architecture of client system 1) (Rose, col. 4, line 46).

As to claim 6, Krueger teaches software object in volatile memory (buffer transcoded audio files, col. 7, lines 1-14).

As to claims 7 and 8, Krueger teaches second platform, a second theme because the system includes multiple clients (client 1, a client, a particular client) with respective platforms (hardware and software configurations) and thus corresponding transcoded audio files, as discussed on claim 1. When the teachings of Krueger and Rose are combine, these themes would have been represented with a second set of platform dependent audio fields of the software object.

As to claim 10, Krueger as modified teaches multiplexer (Rose, directory of listed audio files). See discussion of claim 1.

As to claim 11, Rose teaches using a pointer (offset) to access audio files. See col. 5, lines 26-42. Note discussion of claim 1 for a motivation to combine.

As to claim 12, note discussion of claim 1, and the equivalence of audio function / audio event. Krueger further teaches receiving (client request), importing (transmit to client) and referencing (client plays downloaded transcoded audio files, col. 6, lines 15-17).

As to claim 13, Krueger teaches platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) (see discussion of claim 1).

As to claim 14, Krueger as modified teaches multiplexer (Rose, directory of listed audio files) (See discussion of claim 10) used in calling/importing a theme / platform dependent audio file (see discussion of claim 1 with respect to directory).

As to claim 16, note discussion of claim 1 with respect to software object as taught by the combination of Krueger and Rose.

As to claim 17, note rejection of claim 8.

As to claim 20, Krueger as modified teaches the set of audio events is organized into categories (transcoded audio files produced by different transcoding modes, col. 6, lines 56-67).

As to claim 23, it is covered by claims 1 and 12 and note the equivalence of requesting/receiving a request, retrieving/importing, and accessing/referencing. Krueger further teaches a widget (graphical user interface element, col. 3, lines 52-55) of the application/client, platform dependent audio output (transcoded audio files conforming to client's hardware and software configuration). It is noted that retrieving in Krueger is performed by the system manager (server 5).

As to claim 24, it is basically a program product claim of claim 1. Further, the audio computer service of Krueger as modified by Rose is a platform independent audio computer service in that a client with any of a variety of configurations in platform hardware and software retrieves audio files from the server in a uniform fashion.

7.   Claims 2, 5, 9, 15, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claims 1, 7, 12, 16 and further in view of Peng (U S Pat. 6,128,011).

As to claim 2, Peng teaches a Java based audio computer service (Java program, col. 5, lines 44-45). A motivation to apply the teaching of Peng to Krueger as modified would have been to provide a GUI without having to redesigning for each platform (Peng, col. 3, lines 17-21).

As to claim 5, Peng teaches a single version of software program (Java GUI) performs on more than one types/themes of computer system platforms, including one of a Windows operating system (Windows 95, fig.s 4A, 5B, 6B) and a Motif operating system (Unix/Solaris/Motif, fig.s 4B, 5A, 6A). Since MacIntosh operating system is another type of popular operating system, it would have been obvious to include MacIntosh operating system into the platforms supported in Peng. Note discussion of claim 2 for a motivation to combine.

As to claim 9, Krueger as modified teaches the first and second theme are arranged to permit the emulation of audio events of different operating systems (see discussion of claims 1 and 8). Peng teaches initiating user events under a respective operating system by respective graphical user interface elements (fig.s 4, 5 and 6). Therefore, it would have been obvious to implement the audio events (user events) with respective graphical user interfaces including audio event elements.

As to claim 15, Peng teaches adding a listener (ActionListener, WindowListener) to a component (application with GUI) which provides a GUI event. See col. 7, code listing, lines 17-24. Therefore, it would have been obvious to add a listener to the component of Krueger. Note discussion of claim 2 for a motivation to combine.

As to claim 18, note rejection of claim 9. Each GUI has its own look and feel / characteristics, as shown in fig.s 4 and 5 in Peng.

As to claim 22, it is covered by claims 1, 7-9. Note claims 1, 7-9 for discussion.

8.   Claims 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claim 16 and further in view of Chow et al (U S Pat. 6,226,693).

As to claims 19, 21, hash file/table is a typical implementation of a directory/index data structure so as to convert a key/identifier, meaningful to a user, into a value for the location of the corresponding data in a data collection. One such an example is shown by Chow to locate the event specific routine(s) corresponding to an event. (See fig. 6 and denoting text). Therefore, it would have been obvious to implement the software object / directory data structure of Krueger as modified with a hash file.

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat. 5,889,990 to Coleman et al teaches interfacing an application software to multiple platforms / operating systems.

Conclusion

10.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259 The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
(703305-2259

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600